

Docket No.: D099088

transmits this information to terminals of its own group. (*See Id.*). The PN code to be employed in the group is then confirmed by members of the group. (*See Id.*).

In contrast to both Kanterakis and Suzuki, the present invention describes and claims the terminal as the initiator by first transmitting a signaling sequence as an indication of a wish to use one of the contention channels. (*See Specification*, p. 5, ll. 33-34). In addition, the present invention discloses and claims a base station that is operable to broadcast a provisional message upon receiving the signaling sequence, "the provisional message indicating at least one of the contention channels available to the terminal" as recited in claim 14. (*See also Specification*, p.6, ll. 20-30).

The Examiner attempts to equate the claimed provisional message to the ACK signal of Kanterakis. (*See 08/03/04 Office Action*, p. 4, ¶ 3). However, the ACK signal of Kanterakis does not serve an equivalent function of the provisional message. Namely, the ACK signal does not indicate one or more of the contention channels available to a terminal.

It is respectfully submitted that disclosure of Kanterakis and the disclosure of Suzuki fail to teach or suggest, either alone or in combination, each of the claim limitations recited in claim 14. Specifically, neither Kanterakis nor Suzuki teach or suggest a "*the provisional message indicating at least one of the contention channels available to the terminal.*"

Applicant respectfully submits that for at least the reasons stated above, claim 14 of the present application is not obvious over Kanterakis in view of Suzuki, and request that the rejection of this claim be withdrawn. As claims 15-17, and 21-23 depend from, and therefore include all the limitations of claim 14, it is hereby submitted that these claims are also allowable.

The Examiner rejected claim 24 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (*See 08/03/04 Office Action*, p. 3, ¶ 3). Claim 24 recites "*the*

Docket No.: D099088

provisional message indicating at least one of the contention channels available to the terminal."

Therefore, Applicant respectfully submits that claim 24 is allowable for at least the reasons discussed above with regard to claim 14. As claim 25 depends from, and therefore includes all the limitations of claim 24, it is hereby submitted that claim 25 is also allowable.

The Examiner rejected claim 26 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (See 08/03/04 Office Action, p. 3, ¶ 3). Claim 26 recites "*the provisional message indicating at least one of the contention channels available to the terminal."* Therefore, Applicant respectfully submits that claim 26 is allowable for at least the reasons discussed above with regard to claim 14. As claims 27, 28, and 32 depend from, and therefore include all the limitations of claim 26, it is hereby submitted that these claims are also allowable.

The Examiner rejected claim 33 for the same reasons as the rejection of claim 14 over Kanterakis in view of Suzuki. (See 08/03/04 Office Action, p. 3, ¶ 3). Claim 33 recites "*the provisional message indicating at least one of the contention channels available to the terminal."* Therefore, Applicant respectfully submits that claim 33 is allowable for at least the reasons discussed above with regard to claim 14.

Claims 18-20, and 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kanterakis in view of Suzuki in further view of U.S. Patent No. 6,621,807 to Jung et al. ("Jung"). (See 08/03/04 Office Action, p. 7, ¶ 4).

As discussed above, neither Kanterakis nor Suzuki, alone or in combination, teach or suggest all the limitations of independent claims 14 and 26. It is respectfully submitted that Jung is insufficient to cure the above-stated deficiencies of Kanterakis and Suzuki. Because claims 18-20 depend from, and, therefore include all the limitations of claim 14, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 14.

Docket No.: D099088

Because claims 29-31 depend from, and, therefore include all the limitations of claim 26, it is respectfully submitted that these claims are allowable for the reasons stated above with reference to claim 26.

IV. NEW CLAIMS

Applicant has added new claims 34-37. None of the cited prior art teaches or suggests the recitations of the newly added claims. Thus, applicant respectfully submits that these claims are allowable.

Docket No.: D099088

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

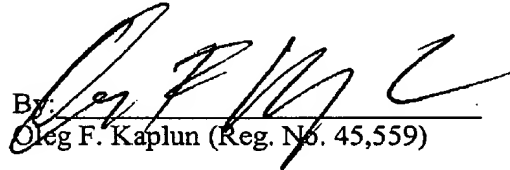
Please direct all future correspondence to:

Larry Liberchuk
Senior IP Counsel

Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9602
Fax: (914) 332-0615
Email: larry.liberchuk@philips.com

Respectfully submitted,

Dated: April 28, 2006

By: 
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038